

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 25, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

11557. Misbranding of candy. U. S. v. 61 Cases, etc. (F. D. C. No. 20909. Sample No. 61437-H.)

LABEL FILED: September 24, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about April 10, 1946, by New Orleans Confections, Inc., from Chicago, Ill.

PRODUCT: Candy. 61 cases, each containing 36 1-pound boxes, and 22 1-pound boxes at Seattle, Wash.

LABEL, IN PART: "New Orleans Confections."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "New Orleans Confections" was misleading since the product was manufactured in Chicago, Ill.; Section 403 (d), the container was so filled as to be misleading since the package could hold much more candy than was actually present (much of the space in the box was taken up by false liners); and, Section 403 (f), the name and place of business of the manufacturer, packer, or distributor, the statement of the quantity of the contents, and the common or usual name of each ingredient were not prominently placed on the label with the conspicuousness required by law, since the information appeared on a small side panel, which was not easily seen as the product was held for sale.

DISPOSITION: September 15, 1947. New Orleans Confections, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for repacking and relabeling under the supervision of the Food and Drug Administration.

11558. Misbranding of candy. U. S. v. 12 Cases * * *. (F. D. C. No. 20910. Sample No. 62717-H.)

LABEL FILED: September 24, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about June 7, 1946, by New Orleans Confections, Inc., from Chicago, Ill.

PRODUCT: 12 cases, each containing 36 1-pound boxes, of candy at San Francisco, Calif.

LABEL, IN PART: "New Orleans Confections."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "New Orleans Confections" was misleading since the product was manufactured in Chicago, Ill.; Section 403 (d), the container was so filled as to be misleading since the package could hold much more candy than was actually present (much of the space in the box was taken up by false liners); and, Section 403 (f), the name and place of business of the manufacturer, packer, or distributor, the statement of the quantity of the contents, and the common or usual name of each ingredient were not prominently placed on the label with the conspicuousness required by law, since the information appeared on a small side panel, which was not easily seen as the product was held for sale.

DISPOSITION: October 24, 1946. Default decree of condemnation and destruction. On October 29, 1946, an amended decree was entered ordering the product delivered to a charitable institution.

CHOCOLATE

11559. Adulteration of plain chocolate and milk chocolate. U. S. v. 10 Bales of Plain Chocolate (and 4 other seizure actions against milk chocolate). (F. D. C. Nos. 21885, 21982 to 21985, incl. Sample Nos. 53920-H, 64968-H, 64969-H, 64971-H, 64972-H.)

LABELS FILED: December 23 and on or about December 26, 1946, Southern District of New York and Northern District of Ohio.

ALLEGED SHIPMENT: On or about October 31 and November 14 and 18, 1946, by the Hooton Chocolate Co., from Newark, N. J.

PRODUCT: 10 200-pound bales of plain chocolate at Cleveland, Ohio, and 567 boxes, each containing 3 1-pound slabs, of milk chocolate at New York, N. Y.